

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Jerome Luther Bunkley,	)	
	)	
Plaintiff,	)	Civil Action No. 8:05-02716-GRA-BHH
	)	
vs.	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
	)	
James R. Metts, Sheriff,	)	
	)	
Defendants.	)	
_____	)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On February 2, 2006, the defendants filed a motion to dismiss. On February 6, 2006, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary dismissal procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

As the plaintiff is proceeding *pro se*, the court filed a second order on March 27, 2006, giving the plaintiff through April 19, 2006, to file his response to the motion to dismiss. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. This order was mailed to the plaintiff's last known address. The envelope containing this order was returned to the court as the plaintiff is apparently no longer incarcerated at the Lexington County Detention Center.

The record reveals that the plaintiff was advised, by order dated October 4, 2005, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

  
BRUCE H. HENDRICKS  
UNITED STATES MAGISTRATE JUDGE

May 4, 2006  
Greenville, South Carolina